

**Meeting Agenda**  
**SOUTH DAKOTA ABSTRACTERS BOARD OF EXAMINERS**  
South Dakota Department of Labor and Regulation  
Sharpe Conference Room  
123 W. Missouri Ave., Pierre, SD  
January 30, 2018 11:30 a.m. CDT

- A. Call to Order
- B. Roll Call
- C. Executive Session to administer Licensing Examinations
- D. Exit Executive Session - Adjourn

**Revised  
Meeting Agenda  
SOUTH DAKOTA ABSTRACTERS BOARD OF EXAMINERS**  
Drifters Event Center  
325 E. Hustan Ave, Ft. Pierre, SD  
January 31, 2018 4:00 p.m. CDT

Persons wishing to join the meeting by teleconference may do so by calling 605-224-1125, key in the access code of 0731216#. For assistance please call 605-773-3011 or the Board office at 605-642-1600.

- A. Call to Order
- B. Roll Call
- C. Introductions
- D. Approval of the Minutes of October 3, 2017
- E. FY Financial Update
- F. Update on South Dakota Land and Title Guide
- G. Executive Secretary Contract
- H. Update on State Licensure Compact
- I. Other Business
- J. Next Meeting Date
- K. Adjourn

**Meeting Minutes**  
**South Dakota Abstracters Board of Examiners**  
South Dakota Department of Labor and Regulation  
123 W Missouri Ave., Pierre, SD  
October 3, 2017 at 8:30 a.m. CDT

Meeting called to order at 8:30am by President Greg Wick, Rapid City, SD.

**Members Present:** Mr. Wick noted Board members in attendance as Board member Yvon Burtz of Winner, SD; Dan Roe of Spearfish, SD; and Secretary Treasurer Victoria Wilds of Canton, SD. Kara Semmler, Lay Board member from Pierre, SD was absent.

**Executive Session to administer Licensing Examinations:** At 8:30 a.m. President Wick asked for a motion to adjourn to executive session to conduct abstracter licensing examinations. 7 applicants were present. Motion made by Mr. Roe to adjourn, seconded by Ms. Burtz.  
**MOTION PASSED UNANIMOUSLY.**

At 12:30 p.m. President Wick re-convened the meeting from executive session upon completion of examinations. Motion made by Mr. Roe, seconded by Ms. Burtz. **MOTION PASSED UNANIMOUSLY.**

With no other matters before the board, motion to adjourn by Ms. Burtz and seconded by Mr. Roe. **MOTION PASSED UNANIMOUSLY.** Meeting adjourned at 12:35 p.m.

s/ Greg Wick, President  
s/ Victoria Wilds, Secretary Treasurer

**Meeting Minutes**  
**ABSTRACTERS BOARD OF EXAMINERS**  
South Dakota Department of Labor and Regulation  
123 W. Missouri Ave., Pierre, SD  
October 3, 2017 2:00 p.m. CDT

President Wick called the meeting to order at 2:02 p.m. CDT.

**Members Present:** Yvon Burtz, Dan Roe, Victoria Wilds, Greg Wick, and Kara Semmler joined at 2:35 p.m. CDT.

**Others in Attendance:** Carol Tellinghuisen, Executive Secretary, Jill Lesselyoung, Executive Assistant, Brooke Tellinghuisen Geddes, Executive Assistant; Amber Mulder, Assistant Attorney General, by conference call.

**Introductions:** The Board members and new Board staff members introduced themselves.

**Approval of Minutes from June 8, 2017 and September 15, 2017:** Burtz moved and Roe seconded to approve the minutes from June 8, 2017. **MOTION PASSED UNANIMOUSLY.** Roe moved and Burtz seconded to approve the minutes from September 15, 2017. **MOTION PASSED UNANIMOUSLY.**

**FY Financial Update:** Lesselyoung reported fiscal year to date figures as of August 31, 2017: revenue of \$48,547.89, expenditures of \$8,845.92 and cash on hand of \$320,556.49. Wilds moved and Burtz seconded to approve the financials as presented. **MOTION PASSED UNANIMOUSLY.** Wilds also advised the Board that her accounts have been closed and the funds have been transferred to the State where future money will be deposited for the Board.

Roe moved and Burtz seconded to enter executive session at 2:10 p.m. CDT to discuss complaints/investigations. **MOTION PASSED UNANIMOUSLY.** Roe moved and Wilds seconded to exit executive session at 2:39 p.m. CDT. Semmler joined the meeting at 2:35 p.m. CDT during executive session.

**Complaints/Investigations:**

Complaint #2017-1: Roe moved and Burtz seconded to dismiss complaint #2017-1 due to the lack of factual support of the allegations. **MOTION PASSED UNANIMOUSLY** with Semmler abstaining.

**Old Business:** The Board held discussion on the update of the South Dakota Land and Title Guide and that revisions are still being made. Wick advised he has met with Mr. Bill Van Camp regarding updates on probate law.

**New Business:** None

**Code of Conduct- FYI:** Lesselyoung updated the Board on the code of conduct from the State that will be eventually asked to adopt by all boards and commissions once it's finalized. More information will be reported when it becomes available.

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Official Minutes-October 3, 2017**

**Next Meeting Date:** The next meeting will be held on January 31, 2018 in Pierre.

**Adjourn:** Semmler moved and Wilds seconded to adjourn the meeting at 3:12 p.m. CDT.  
**MOTION PASSED UNANIMOUSLY.**

Respectfully submitted,



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Carol Tellinghuisen  
Executive Secretary  
Abstracters Board of Examiners

DRAFT



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STATE OF SOUTH DAKOTA  
REVENUE SUMMARY BY BUDGET UNIT  
FOR PERIOD ENDING: 11/30/2017

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AGENCY 10 LABOR & REGULATION  
BUDGET UNIT 1038 ABSTRACTERS BD OF EXAMINERS

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO	6503				
COMPANY NAME			PROFESSIONAL & LICENSING BOARDS		
1038000698	6503	4293920	NEW LICENSE FEES	.00	2,151.45
1038000698	6503	4293921	REEXAMINATION FEES	.00	1,050.00
1038000698	6503	4293922	EXAMINATION FEES	.00	1,500.00
1038000698	6503	4293923	RENEWAL FEES	.00	39,620.00
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	.00	44,321.45
ACCT: 42			LICENSES, PERMITS & FEES	.00	44,321.45
1038000698	6503	4539001	OTHER CHARGES	.00	700.00
ACCT: 4539			OTHER CHARGES (STATE INTRA-GOVERNMENT)	.00	700.00
1038000698	6503	4596001	EDUCATIONAL MATERIAL-NHA	100.00	1,100.00
ACCT: 4596			CHARGES FOR SALES & SERVICES	100.00	1,100.00
ACCT: 45			NONOPERATING REVENUES	100.00	1,800.00
1038000698	6503	4920045	NONOPERATING REVENUE	.00	3,526.44
ACCT: 4920			OTHER REVENUE	.00	3,526.44
ACCT: 49				100.00	49,647.89
CNTR: 1038000698				100.00	49,647.89
COMP: 6503				100.00	49,647.89
B UNIT: 1038				100.00	49,647.89

STATE OF SOUTH DAKOTA  
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT  
FOR PERIOD ENDING: 11/30/2017

AGENCY BUDGET UNIT CENTER-5	10 1038 10380	LABOR & REGULATION ABSTRACTERS BD OF EXAMINERS ABSTRACTERS BOARD OF EXAMINERS	CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO	6503	PROFESSIONAL & LICENSING BOARDS							
1038000698	6503	51010100			F-T EMP SAL & WAGES	146.64	1,032.48		
1038000698	6503	51010300			BOARD & COMM MBRS FEES	.00	4,080.00		
ACCT: 5101		EMPLOYEE SALARIES							
1038000698	6503	51020100			OASI-EMPLOYER'S SHARE	146.64	5,112.48	*	
1038000698	6503	51020200			RETIREMENT-ER SHARE	11.13	391.53		
1038000698	6503	51020600			HEALTH/LIFE INS.-ER SHARE	8.79	61.92		
1038000698	6503	51020800			WORKER'S COMPENSATION	16.81	113.68		
1038000698	6503	51020900			UNEMPLOYMENT COMPENSATION	.26	1.73		
						.08	.46		
ACCT: 5102		EMPLOYEE BENEFITS							
ACCT: 51		PERSONAL SERVICES							
1038000698	6503	52030200			AUTO PRIV (IN-ST.) L/RTE	37.07	569.32	*	
1038000698	6503	52030300			AUTO-PRIV (IN-ST.) H/RTE	183.71	5,681.80	**	
1038000698	6503	52031000			LODGING/IN-STATE	.00	27.14		
1038000698	6503	52031400			TAXABLE MEALS/IN-STATE	572.88	641.76		
1038000698	6503	52031500			NON-TAXABLE MEALS/IN-ST	185.88	264.18		
						.00	11.00		
						161.00	172.00		
ACCT: 5203		TRAVEL							
1038000698	6503	52040900			MANAGEMENT CONSULTANT	919.76	1,116.08	*	
1038000698	6503	52042000			CENTRAL SERVICES	2,078.80	10,496.35		
1038000698	6503	52045300			TELECOMMUNICATIONS SVCS	158.40	632.34		
						.00	264.14		
ACCT: 5204		CONTRACTUAL SERVICES							
1038000698	6503	52053500			POSTAGE	2,237.20	11,392.83	*	
1038000698	6503	52059600			PROC CARD PURCH-DISPUTED	54.87	338.59		
1038000698	6503	52059700			PROC CARD PURCH-NOT APPVD	13.30-	.00		
1038000698	6503	52059800			PROC CARD PURCH-APPROVED	12.49	.00		
						.81	646.21		
ACCT: 5205		SUPPLIES & MATERIALS							
1038000698	6503	5228000			OPER TRANS OUT -NON BUDGT	54.87	984.80	*	
						48.64	251.63		
ACCT: 5228		NONOP EXP/NONBGTD OP TR							
ACCT: 52		OPERATING EXPENSES							
						48.64	251.63	*	
						3,260.47	13,745.34	**	
COMP: 6503		PROFESSIONAL & LICENSING BOARDS							
CENTER: 1038000698									
B UNIT: 1038									
						3,444.18	19,427.14	***	
						3,444.18	19,427.14	****	
						3,444.18	19,427.14	*****	

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STATE OF SOUTH DAKOTA  
CASH CENTER BALANCES  
AS OF: 11/30/2017

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AGENCY: 10 LABOR & REGULATION  
BUDGET UNIT: 1038 ABSTRACTERS BD OF EXAMINERS

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1038000698	1140000	310,973.47	DR	
COMPANY/SOURCE TOTAL 6503 698			310,973.47	DR *	ABSTRACTERS BOARD OF EXAMINERS
COMP/BUDG UNIT TOTAL 6503 1038			310,973.47	DR **	
BUDGET UNIT TOTAL 1038			310,973.47	DR ***	



## **DRAFT LICENSURE BILL**

The Interstate Compact for the Temporary Licensure of Professionals is hereby enacted into law and entered into with all other jurisdictions legally joining this compact, which is substantially as follows:

### **SECTION I. PURPOSE**

The purpose of this compact is to:

- (a) allow member states to expediently grant a temporary license to eligible licensees moving to their state;
- (b) allow eligible licensees moving to a member state time to meet the licensure requirements of the destination state while practicing their occupation;
- (c) increase the mobility of professional licenses, safeguard the health and safety of the public, and enhance the workforce in member states.

### **SECTION II. DEFINITIONS**

In this compact:

- (a) “Adverse action,” any suspension, revocation, or other action taken by the licensing authority that impacts the ability of the licensee to work including the voluntary surrender of a license.
- (b) “Applicant,” a natural person who has submitted an application to a member state for a temporary license.
- (c) “Background check,” a criminal background investigation, a national criminal history record check, or both.
- (d) “Destination state,” the member state in which a temporary license is sought.
- (e) “Member state,” a state that has enacted this compact.
- (f) “Military spouse,” a person whose spouse is a member of the United States Armed Forces that is on active duty and stationed in the destination state.

- (g) “Professional License” or “License,” any state issued credential that authorizes a natural person to work in a given profession, which would be unlawful without the authorization of a state licensing authority.
- (h) “State,” any state, commonwealth, district, or territory of the United States.
- (i) “Temporary license,” an unrestricted license granted by a member state to an eligible professional through the process set forth in this compact.
- (j) “Unrestricted license,” a license that is not conditioned on that particular licensee’s agreement to limit the scope of his or her professional work or to engage in additional requirements or protocols specific to that licensee.

### SECTION III: CONTENTS OF APPLICATION AND FEES

An application for a temporary license shall include the following:

- (a) The applicant’s full name;
- (b) A list of all states in which the applicant holds a professional license; and
- (c) A statement by the applicant that he or she:
  - i. holds a valid and unrestricted license in a member state; and
  - ii. is in good standing, as set forth in Section IV, with every other state in which the individual is licensed.

The licensing authority may request identifying information such as an applicant’s date of birth, social security number, or state license number. The destination state’s licensing authority may charge fees comparable to other fees charged by that licensing authority.

### SECTION IV: ISSUANCE OR NON-ISSUANCE OF TEMPORARY LICENSE

An applicant seeking a temporary license shall submit a complete application to the licensing authority of the destination state. The licensing authority of the destination state, or its agent, shall issue the temporary license within 30 days of receipt of a complete application unless it determines that the applicant: (1) does not possess a valid and unrestricted license issued by a

member state; (2) is not in good standing in all states in which the applicant is licensed; or (3) is ineligible due to a disqualifying record identified during a background check. An applicant is considered to be in good standing with a state licensing authority if the licensee is not under active investigation, has not been the subject of an unfavorable determination in a disciplinary action two years prior to the date of the application, and has no pending disciplinary actions before the authority. A licensing authority may only conduct a background check if it is otherwise authorized to do so. Based on the results of a background check, a licensing authority may find an applicant ineligible for a temporary license only if it would similarly find an applicant for a regular license ineligible. A licensing authority may deny an applicant's request for a temporary license if the licensing authority has previously taken adverse action against the applicant. An applicant who fails to meet the necessary requirements shall be issued a prompt ineligibility letter from the licensing authority of the destination state or its agent. Any applicant found to be ineligible may appeal the determination pursuant to chapter 1-26.

#### SECTION V: DUTIES OF MEMBER STATES

Upon request, each member state shall provide another member state with the following information within 10 days:

- (a) whether a licensee possesses a valid and unrestricted license; and
- (b) whether a licensee is in good standing as set forth in Section IV.

Further, a destination state may notify a member state when the destination state grants a temporary license based on an individual's licensure within that member state. If so notified, the member state shall promptly inform the destination state if it takes adverse action against such licensee.

## SECTION VI: OPT OUT

Any member state may decline to afford reciprocity to active licensees from another member state for a particular occupation by enacting legislation finding that the requirements for such licenses in the relevant member state are inadequate to protect the public health and safety.

## SECTION VII: TERMS OF TEMPORARY LICENSE

The temporary license shall be for a term of eighteen consecutive months unless the applicant is a military spouse. If the applicant is a military spouse the temporary license shall be for a term of two consecutive years. A temporary license is non-renewable except that any member state may decide to make temporary licenses for any or all occupations renewable by statute. An individual holding a temporary license is authorized to work as a licensed professional in the destination state consistent with all applicable laws and regulations of the destination state and the licensure authority that issued the temporary license. A temporary license from a destination state only authorizes work as a licensed professional within that state, and does not create, eliminate, or otherwise affect any authorization to work as a licensed professional outside the destination state. A licensee utilizing a temporary license shall notify the licensing authority of the destination state if any adverse action is taken against them by any jurisdiction in which the applicant holds a license.



## SECTION VIII: JURISDICTION OVER LICENSEES

An individual issued a temporary license by a destination state automatically submits himself or herself to the jurisdiction of the licensing authority of the destination state such that the licensing authority is authorized to take any action against a temporary license that it is authorized to take against a regular licensee. Other member states, however, retain jurisdiction to impose adverse action against their own licensees.

## SECTION IX: STATE LAW SUPERSEDED

All member states' laws, except for state constitutions, are superseded by the Interstate Compact for the Temporary Licensure of Professionals, but only to the extent of a conflict. Whenever possible, this compact and any other licensing compact shall be interpreted to avoid conflicts between the compacts. The option of temporary licensure that this compact creates is intended to coexist with the option of licensure or authorization to work created by other interstate licensing compacts specific to a profession, so that any licensed professional in a state with such multiple compacts may choose the temporary authorization to work that is created by this compact or the authorization to work that is created by another licensing compact specific to a profession. Nothing in this compact shall be construed to limit the ability of a licensing authority to issue a license pursuant to a state or federal law that allows for issuance of licenses in a more expedited manner.

## SECTION X: EFFECTIVE DATE

Any state is eligible to become a member state. This compact shall become effective and binding upon legislative enactment of this compact into law by no less than two states. The initial effective date shall be the later of July 1, 2018, or upon the date the law is enacted in the



second jurisdiction to join this compact. Thereafter it shall become effective and binding as to any other member state upon the date the law becomes enacted in that state.

#### SECTION XI: WITHDRAWAL

Any member state may withdraw from this compact by specifically repealing the statute that enacted this compact into law. The effective date of the withdrawal is the effective date of the repeal. Temporary licenses issued by the member state prior to the withdrawal date shall not be affected by withdrawal.

#### SECTION XII: INSUBSTANTIAL DIFFERENCES

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by any member state.